

EXHIBIT 2

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

Civil Action No: 1:18-cv-00668
Hon. Janet T. Neff

GEORGINA'S LLC, dba GEORGINA'S
TACQUERIA,

Defendant.

OMAR WEAVER (P58861)
MILES UHLAR (P65008)
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**DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST SET OF
DISCOVERY REQUESTS**

INTERROGATORIES

1. State the reason Jessica Werthen was terminated.

ANSWER: Ms. Werthen was terminated for failure to lead the kitchen staff in her role as sous and work with the other sous as a team, as well as issues of her harassment of other restaurant employees.

2. State the reason [REDACTED] was terminated.

ANSWER: [REDACTED] was terminated for chronic absenteeism or tardiness to work, failure to meet performance expectations, job abandonment, and failure to abide by company policies.

3. Identify all facts supporting the assertion of any affirmative defenses set forth by Defendant.

ANSWER: With regard to Defendant's affirmative defenses - to wit, Failure to State a Claim Upon Which Relief May Be Granted, Fraud, Unclean Hands, and Claimant's Own Conduct – Defendant is prepared to offer several witnesses [REDACTED]

[REDACTED] that will both refute the allegations of claimant Werthen and other alleged class members, as well as detail incidents wherein Werthen's job performance fell below a reasonable standard and, in some cases, included the type of harassment and hostile work environment of which she accuses Defendant. Defendant reserves the right to supplement this response with further facts and detail as needed.

4. Identify any and all witnesses Defendant intends to call at the time of trial, and indicate whether they are expected to offer lay or expert testimony. For each witness, please provide a brief description of their anticipated testimony.

ANSWER: Please refer to Defendant's FRCP 26(a)(1) brief for a list of witnesses along with a brief description of anticipated testimony.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce the complete personnel files for the following employees:

a) Jessica Werthen;

b) [REDACTED]

c) [REDACTED]

d) [REDACTED]

e) [REDACTED]

f) [REDACTED]

g) [REDACTED]

h) [REDACTED]

i) [REDACTED]

j) [REDACTED]

k) Any and all employees who made a complain of sexual harassment at any time.

ANSWER: See attached documentation

2. Produce complete payroll records pertaining to Jessica Werthen.

ANSWER: See attached documentation

3. Produce a list of all employees who have worked at either of the Traverse City Georgina's locations. For each please include:
- a) name;
 - b) Last known address, phone number, and e-mail address;
 - c) Date of hire;
 - d) Position(s) worked;
 - e) Date of termination; and
 - f) Reason for termination.

ANSWER: Defendant objects to Plaintiff's discovery request as overly broad, unduly burdensome, not properly limited in time and scope, and not reasonably calculated to lead to the discovery of admissible evidence. By way for further answer see attached documentation.

4. Produce a list of all employees who have worked at either of the Grand Rapids Georgina's locations. For each please include:
- a) name;
 - b) Last known address, phone number, and e-mail address;
 - c) Date of hire;
 - d) Position(s) worked;
 - e) Date of termination; and
 - f) Reason for termination.

ANSWER: Defendant objects to Plaintiff's discovery request as overly broad, unduly burdensome, not properly limited in time and scope, and not reasonably calculated to lead to the discovery of admissible evidence. In further response, Defendant states that the entity owning and operating the above-referenced restaurant is different than the party named as defendant. Therefore, such documents will not be produced.

5. Produce a list of all employees who have worked at either of the Harbor Springs Georgina's locations. For each please include:
- a) name;
 - b) Last known address, phone number, and e-mail address;
 - c) Date of hire;
 - d) Position(s) worked;
 - e) Date of termination; and
 - f) Reason for termination

ANSWER: Defendant objects to Plaintiff's discovery request as overly broad, unduly burdensome, not properly limited in time and scope, and not reasonably calculated to lead to the discovery of admissible evidence. In further response, Defendant states that the entity owning and operating the above-referenced restaurant is different than the party named as defendant. Therefore, such documents will not be produced.

6. Produce a copy of any and all sexual harassment complaints made by an employee from January 1, 2014 to the present at any Georgina's location.

ANSWER: See attached. In further response, Defendant states that only records related to the named party and its Traverse City location will be provided as restaurants at other locations are owned and operated by entities not named as a party to the instant lawsuit.

7. Produce a copy of any and all documents relating to any sexual harassment complaint made by any employee at any time from January 1, 2014 to the present at any Georgina's location. Please include any and all investigative reports and/or e-mails.

ANSWER: See attached. In further response, Defendant states that only records related to the named party and its Traverse City location will be provided as restaurants at other locations are owned and operated by entities not named as a party to the instant lawsuit.

8. Produce all weekly work schedules at the Traverse City location for the duration of Jessica Werthen's employment.

ANSWER: See attached documentation.

PEZZETTI, VERMETTEN & POPOVTIS, PC

Dated: October 9, 2018

/s/ Matthew D. Vermetten
Matthew D. Vermetten (P43425)
Attorney for Defendant
600 E. Front Street, Suite 102
Traverse City, MI 49686

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Miles Uhlar (P65008)
Equal Employment Opportunity Commission
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CERTIFICATE OF SERVICE

The undersigned has certified that *Defendant's Responses to Plaintiff's First Set of Discovery Requests* has been sent via regular mail by depositing the same in the United States mail, first class, on October 9, 2018.

/s/Jennifer North

Jennifer North, Paralegal
Pezzetti, Vermetten & Popovits, PC